

AMENDED IN ASSEMBLY AUGUST 18, 2014

AMENDED IN ASSEMBLY AUGUST 4, 2014

AMENDED IN SENATE APRIL 23, 2014

SENATE BILL

No. 1174

Introduced by Senator Lara

(Coauthors: Senators Block, Hancock, and Monning)

(Coauthors: Assembly Members Gonzalez and Skinner)

February 20, 2014

An act to amend Sections 300, 305, 306, 310, 320, and 335 of, and to repeal Section 311 of, the Education Code, relating to English language education.

LEGISLATIVE COUNSEL'S DIGEST

SB 1174, as amended, Lara. English language education.

(1) Existing law, as added by Proposition 227, a measure approved by the voters at the June 2, 1998, statewide primary election, requires, among other things, that all children in California public schools be taught English by being taught in English. Proposition 227 specifies that English learner pupils, as defined, be educated through sheltered English immersion, as defined, during a temporary transition period not normally intended to exceed one year. Proposition 227 further provides that its requirements relating to sheltered English immersion instruction may be waived with the prior written consent of a pupil's parent or legal guardian, as specified. Proposition 227 also encourages family members and others to provide personal English language tutoring to English learner pupils.

This bill would amend and repeal various provisions of Proposition 227. The bill would, among other things, delete the sheltered English

immersion requirement and waiver provisions, and would instead ~~authorize school districts and county offices of education to determine the best language instruction methods and language acquisition programs to implement by consulting experts in the field and parents, and engaging local communities.~~ *provide that school districts and county offices of education shall, at a minimum, provide English learners with a structured English immersion program.* The bill would authorize parents or legal guardians of pupils enrolled in the school to choose a language acquisition program that best suits their child, as provided.

(2) *Existing law requires, on or before July 1, 2014, the governing board of each school district and each county board of education to adopt a local control and accountability plan and requires the governing board of each school district and each county board of education to update its plan on or before July 1 of each year. As part of the process for developing the local control and accountability plan, existing law requires the superintendent of the school district or the county superintendent of schools to both present the plan or annual update to the plan to a parent advisory committee and an English learner parent advisory committee for review and comment, and to respond, in writing, to comments received from the committees. Existing law also requires the superintendent of the school district and the county superintendent of schools to notify members of the public of the opportunity to submit written comments regarding the specific actions and expenditures proposed to be included in the local control and accountability plan or annual update to the plan.*

This bill would, as part of the parent and community engagement process required for the development of a local control and accountability plan, require school districts and county offices of education to solicit input on, and provide to pupils, effective and appropriate instructional methods, including, but not limited to, establishing language acquisition programs, as defined.

(2)

(3) Proposition 227 also specifies that a pupil's parent or legal guardian has standing to sue for enforcement of its provisions and, if successful, to receive normal and customary attorney's fees and actual damages, but not punitive or consequential damages. Proposition 227 further provides that school board members, other elected officials, and public school teachers or administrators who willfully and repeatedly refuse to implement its provisions may be held personally liable for fees and actual damages by a pupil's parent or legal guardian.

This bill would delete that provision.

(3)

(4) Proposition 227 provides that its provisions may be amended by a statute to further its purpose passed by a $\frac{2}{3}$ vote of each house of the Legislature and signed by the Governor.

This bill would delete the requirement that the amendment further the purpose of Proposition 227, and would revise the vote threshold to a majority vote in each house of the Legislature.

(4)

(5) This bill would make these provisions operative on July 1, 2017.

(5)

(6) The California Constitution authorizes the Legislature to amend or repeal an initiative statute by another statute that becomes effective when approved by the electors.

This bill would provide that it would become effective only upon approval of the voters, and would require the Secretary of State to submit this measure to the voters for approval at the November 2016 statewide general election.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This measure shall be known, and may be cited,
2 as the “California Ed.G.E. Initiative” or “California Education for
3 a Global Economy Initiative.”

4 SEC. 2. Section 300 of the Education Code is amended to read:

5 300. The people of California find and declare as follows:

6 (a) Whereas, The English language is the national public
7 language of the United States of America and of the State of
8 California, is spoken by the vast majority of California residents,
9 and is also the leading world language for science and technology,
10 thereby being an important language of economic opportunity;
11 and

12 (b) Whereas, All parents are eager to have their children master
13 the English language and obtain a high-quality education, thereby
14 preparing them to fully participate in the American Dream of
15 economic and social advancement; and

1 (c) Whereas, California is home to thousands of multinational
2 businesses that must communicate daily with associates around
3 the world; and

4 (d) Whereas, California employers across all sectors, both public
5 and private, are actively recruiting multilingual employees because
6 of their ability to forge stronger bonds with customers, clients, and
7 business partners; and

8 (e) Whereas, Multilingual skills are necessary for our country's
9 national security and essential to conducting diplomacy and
10 international programs; and

11 (f) Whereas, California has a natural reserve of the world's
12 largest languages, including English, Mandarin, and Spanish, which
13 are critical to the state's economic trade and diplomatic efforts;
14 and

15 (g) Whereas, California has the unique opportunity to provide
16 all parents with the choice to have their children educated to high
17 standards in English and one or more additional languages,
18 including Native American languages, thereby increasing pupils'
19 access to higher education and careers of their choice; and

20 (h) Whereas, The government and the public schools of
21 California have a moral obligation and a constitutional duty to
22 provide all of California's children, regardless of their ethnicity
23 or national origin, with the skills necessary to become productive
24 members of our society, and of these skills, literacy in the English
25 language is among the most important; and

26 (i) Whereas, The California Legislature approved, and the
27 Governor signed, a historic school funding reform that restructured
28 public education funding in a more equitable manner, directs
29 increased resources to improve English language acquisition, and
30 provides local control to school districts, county offices of
31 education, and schools on how to spend funding through the local
32 control funding formula and local control and accountability plans;
33 and

34 (j) Whereas, Parents now have the opportunity to participate in
35 building innovative new programs that will offer pupils greater
36 opportunities to acquire 21st century skills, such as
37 multilingualism; and

38 (k) Whereas, All parents will have a choice and voice to demand
39 the best education for their children, including access to language
40 programs that will improve their children's preparation for college

1 and careers, and allow them to be more competitive in a global
2 economy; and

3 (l) Whereas, Existing law places constraints on teachers and
4 schools, which have deprived many pupils of opportunities to
5 develop multilingual skills; and

6 (m) Whereas, A large body of research has demonstrated the
7 cognitive, economic, and long-term academic benefits of
8 multilingualism and multiliteracy.

9 (n) Therefore, It is resolved that: amendments to, and the repeal
10 of, certain provisions of this chapter at the November 2016
11 statewide general election will advance the goal of voters to ensure
12 that all children in California public schools shall receive the
13 highest quality education, master the English language, and access
14 high-quality, innovative, and research-based language programs
15 that provide the California Ed.G.E. (California Education for a
16 Global Economy).

17 SEC. 3. Section 305 of the Education Code is amended to read:

18 ~~305. School districts and county offices of education may~~
19 ~~determine the best language instruction methods and language~~
20 ~~acquisition programs to implement by consulting experts in the~~
21 ~~field and parents, and engaging local communities. Local schools~~
22 ~~shall be encouraged to mix together in the same classroom English~~
23 ~~learners from different native language groups but with the same~~
24 ~~degree of English fluency for targeted language instruction. Schools~~

25 *305. (a) (1) As part of the parent and community engagement*
26 *process required for the development of a local control and*
27 *accountability plan pursuant to Article 4.5 (commencing with*
28 *Section 52060) of Chapter 6.1 of Part 28 of Division 4 of Title 2,*
29 *school districts and county offices of education shall solicit input*
30 *on, and shall provide to pupils, effective and appropriate*
31 *instructional methods, including, but not limited to, establishing*
32 *language acquisition programs, as defined in Section 306. This*
33 *requirement is intended to ensure that all pupils, including English*
34 *learners and native speakers of English, have access to the core*
35 *academic content standards, including the English language*
36 *development standards, as applicable, and become proficient in*
37 *English pursuant to the state priorities identified in paragraph (2)*
38 *of subdivision (d) of Section 52060 and of Section 52066.*

39 *(2) School districts and county offices of education shall, at a*
40 *minimum, provide English learners with a structured English*

1 *immersion program, as specified in Section 306, for purposes of*
2 *ensuring that English learners have access to the core academic*
3 *content standards, including the English language development*
4 *standards, and become proficient in English pursuant to the state*
5 *priorities identified in paragraph (2) of subdivision (d) of Section*
6 *52060 and of Section 52066.*

7 *(b) When a school district or a county office of education*
8 *establishes a language acquisition program pursuant to this*
9 *section, the school district or county office of education shall*
10 *consult with the proper school personnel, including, but not limited*
11 *to, administrators and certificated teachers with the appropriate*
12 *authorizations and experience.*

13 *(c) School districts and county offices of education are also*
14 *encouraged to provide opportunities for monolingual English*
15 *speaking to pupils who are native speakers of English to be*
16 *instructed in another language to a degree sufficient to produce*
17 *proficiency in that language. The non-English language should be*
18 *at the discretion of the parents, community, and school, depending*
19 *upon the linguistic and financial resources of the school*
20 *community. In accordance with the local control funding formula*
21 *calculated pursuant to Section 42238.02, as implemented by*
22 *Section 42238.03, current supplemental funding for low-income*
23 *pupils, English learners, and foster children shall be maintained,*
24 *subject to possible modification under Article 8 (commencing with*
25 *Section 335) below, community and other local considerations.*

26 *(d) A language acquisition program established pursuant to*
27 *this section shall comply with the requirements of Section 310.*

28 SEC. 4. Section 306 of the Education Code is amended to read:
29 306. The definitions of the terms used in this article and in
30 Article 1 (commencing with Section 300) are as follows:

31 (a) “English learner” means a pupil who is “limited English
32 proficient” as that term is defined in the federal No Child Left
33 Behind Act of 2001 (20 U.S.C. 7801(25)).

34 (b) “Native speaker of English” means a pupil who has learned
35 and used English ~~as in his or her home from early childhood and~~
36 ~~English has been his or her primary means of communication in~~
37 ~~the home from early childhood.~~ *concept formation and*
38 *communication.*

1 ~~(e) “Dual- or tri-immersion program” means a program that~~
2 ~~teaches a portion of the day in English and a portion of the day in~~
3 ~~another language.~~

4 (c) *“Language acquisition programs” refers to educational*
5 *programs designed to ensure English acquisition as rapidly and*
6 *as effectively as possible, and that provide instruction to pupils*
7 *on the state-adopted academic content standards, including the*
8 *English language development standards. The language acquisition*
9 *programs provided to pupils shall be informed by research and*
10 *shall lead to grade level proficiency and academic achievement*
11 *in both English and another language. Language acquisition*
12 *programs may include, but are not limited to, all of the following:*

13 (1) *Dual-language immersion programs that provide integrated*
14 *language learning and academic instruction for native speakers*
15 *of English and native speakers of another language, with the goals*
16 *of high academic achievement, first and second language*
17 *proficiency, and cross-cultural understanding.*

18 (2) *Transitional or developmental programs for English learners*
19 *that provide instruction to pupils that utilizes English and a pupil’s*
20 *native language for literacy and academic instruction and enables*
21 *an English learner to achieve English proficiency and academic*
22 *mastery of subject matter content and higher order skills, including*
23 *critical thinking, in order to meet state-adopted academic content*
24 *standards.*

25 (3) *Structured English immersion programs for English learners*
26 *in which nearly all classroom instruction is provided in English,*
27 *but with curriculum and a presentation designed for pupils who*
28 *are learning English.*

29 SEC. 5. Section 310 of the Education Code is amended to read:

30 310. (a) Parents or legal guardians *of pupils enrolled in the*
31 *school* may choose a language acquisition program that best suits
32 their child. Schools in which *the parents or legal guardians of 30*
33 *pupils or more per school or the parents or legal guardians of 20*
34 *pupils or more in any grade* request a language acquisition program
35 that is designed to provide language instruction shall be required
36 to offer such a program to the extent possible, based upon the
37 requirements of Section 305.

38 (b) If a school district implements a language acquisition
39 program pursuant to this section, it shall do both of the following:

1 (1) Comply with the kindergarten and grades 1 to 3, inclusive,
2 class size requirements specified in Section 42238.02.

3 (2) Provide, as part of the annual parent notice required pursuant
4 to Section 48980 or upon enrollment, the parent or legal guardian
5 of a minor pupil with information on the types of language
6 programs available to pupils enrolled in the school district,
7 including, but not limited to, a description of each program.

8 SEC. 6. Section 311 of the Education Code is repealed.

9 SEC. 7. Section 320 of the Education Code is amended to read:

10 320. As detailed in Section 5 of Article 9 of the California
11 Constitution, and Article 2 (commencing with Section 305) and
12 Article 3 (commencing with Section 310), respectively, all
13 California school children have the right to be provided with a free
14 public education and an English language public education.

15 SEC. 8. Section 335 of the Education Code is amended to read:

16 335. The provisions of this act may be amended by a statute
17 that becomes effective upon approval by the electorate or by a
18 statute passed by a majority vote of each house of the Legislature
19 and signed by the Governor.

20 SEC. 9. Sections 2 to 8, inclusive, of this act shall become
21 operative on July 1, 2017.

22 SEC. 10. Sections 2 to 9, inclusive, of this act amend or repeal
23 provisions of Proposition 227, an initiative statute that was
24 approved by the voters at the June 2, 1998, statewide primary
25 election, and shall become effective only when submitted to, and
26 approved by, the voters. The Secretary of State shall submit
27 Sections 1 to 9, inclusive, of this act for approval by the voters at
28 the November 2016 statewide general election in accordance with
29 Section 9040 of the Elections Code.